

**COMMONWEALTH OF VIRGINIA
Department of Environmental Quality
Tidewater Regional Office**

STATEMENT OF LEGAL AND FACTUAL BASIS

SIGNIFICANT PERMIT MODIFICATION

INGENCO Virginia Beach Plant
Virginia Beach, Virginia
Permit No. TRO61423

Title V of the 1990 Clean Air Act Amendments required each state to develop a permit program to ensure that certain facilities have federal Air Pollution Operating Permits, called Title V Operating Permits. As required by 40 CFR Part 70 and 9 VAC 5 Chapter 80, INGENCO has applied for a modification to the Title V Operating Permit for its dual fuel electric power generating facility. The Department has reviewed the application and has prepared a modified Title V Operating Permit.

Engineer/Permit Contact:	Linda Lightfoot (757) 518-2005	Date:	
Air Permit Manager:	Jane A. Workman	Date:	
Regional Director:	Francis L. Daniel	Date:	

FACILITY INFORMATION

Permittee

INGENCO
2250 Dabney Road
Richmond, Virginia 23060

Facility

INGENCO Virginia Beach Plant
1989 Jake Sears Road
Virginia Beach, Virginia

County-Plant Identification Number: 51-810-00117

SOURCE DESCRIPTION

NAICS 221119 – Other Electric Power Generation

This U.S. industry comprises establishments primarily engaged in operating electric power generation facilities (except hydroelectric, fossil fuel, nuclear). These facilities convert other forms of energy, such as solar, wind, or tidal power, into electrical energy. The electric energy produced in these establishments is provided to electric power transmission systems or to electric power distribution systems.

NAICS 221112 – Fossil Fuel Electric Power Generation

This U.S. industry comprises establishments primarily engaged in operating fossil fuel powered electric power generation facilities. These facilities use fossil fuels, such as coal, oil, or gas, in internal combustion or combustion turbine conventional steam process to produce electric energy. The electric energy produced in these establishments is provided to electric power transmission systems or to electric power distribution systems.

Specifically, this facility is an electrical power generation facility, using engines fueled by No. 2 fuel oil, No. 4 fuel oil, mineral oil dielectric fluid (MODEF), and treated landfill gas.

The facility is a Title V major source of carbon monoxide and nitrogen oxides. This source is located in an attainment area for all pollutants. The facility is permitted under a state major permit issued on June 20, 2006.

COMPLIANCE STATUS

A full compliance evaluation of this facility, including a site visit, has been conducted. In addition, all reports and other data required by permit conditions or regulations, which are submitted to DEQ, are evaluated for compliance. Based on these compliance evaluations, the facility has not been found to be in violation of any state or federal applicable requirements at this time.

REQUESTED MODIFICATION AND REASON FOR MODIFICATION

The Virginia Department of Environmental Quality issued a significant amendment to the New Source Review permit for INGENCO on June 20, 2006. This Title V modification is for the incorporation of the conditions of the June 20, 2006 New Source Review permit into the Title V permit.

APPLICABILITY OF 9 VAC 5-80-230

This permit modification will change existing site-specific conditions through the incorporation of the New Source Review applicable requirements. This modification will be processed using the Significant Modification Procedures as defined in 9 VAC 5-80-230.

CHANGES TO TITLE V OPERATING PERMIT

Changes to the Title V Operating Permit are outlined in the table attached to this Statement of Legal and Factual Basis. The table identifies the affected Title V condition with the suggested changes.

PUBLIC PARTICIPATION

The public participation requirements of 9 VAC 5-80-270 apply to this significant permit modification. A 30-day public notice is required. The proposed permit will be placed on public notice in the Virginian-Pilot from September XX, 2007 to October XX, 2007.

PERMIT REVIEW BY EPA AND AFFECTED STATES

The EPA and affected states review requirements of 9 VAC 5-80-290 apply to this significant permit modification. A 45-day EPA review period is required. North Carolina is an affected state, and will be notified of this significant permit modification.